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MICHAEL RODAK, JR., CLE

No. 72-954

In the

Supreme Court of the United States

OCTOBER TERM, 1972

PEOPLE OF THE STATE OF ILLINOIS EX REL. VILLAGE OF LAKE BLUFF, A MUNICIPAL CORPORATION OF THE STATE OF ILLINOIS, AND THE VILLAGE OF LAKE BLUFF,

Petitioners,

vs.

CITY OF NORTH CHICAGO, A MUNICIPAL CORPORATION OF THE STATE OF ILLINOIS, THE FIRST NATIONAL BANK OF LAKE FOREST, AS TRUSTEE UNDER TRUST #2867, HENRY E. DONEY AND HELEN U. DONEY,

Respondents.

BOARD OF EDUCATION, SCHOOL DISTRICT NO. 65, LAKE COUNTY, ILLINOIS,

Intervenors,

vs.

CITY OF NORTH CHICAGO, A MUNICIPAL CORPORATION OF THE STATE OF ILLINOIS, THE FIRST NATIONAL BANK OF LAKE FOREST, AS TRUSTEE UNDER TRUST #2867, HENRY E. DONEY AND HELEN U. DONEY,

Respondents.

REPLY TO JOINT OPPOSITION OF RESPONDENTS TO GRANTING OF PETITION FOR WRIT OF CERTIORARI

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The Petitioners, the People of the State of Illinois ex rel. Village of Lake Bluff, a Municipal Corporation of the State of Illinois, and the Village of Lake Bluff, as and for their reply to the Answer of Respondents state as follows:

1. On February 27, 1973, local primary elections will be held in the City of North Chicago. The some 30,000 to 40,000 inhabitants of the U.S. Naval Training Center will not vote nor be represented in the election. Paragraph 7 of the Answer asserts there is no Federal Constitutional question involved. The record will show that the Trial Judge was advised of this. However, no hearings took place on the question, though Petitioners desired to present it as one of many issues. *The refusal to hear a question involving a Federal Constitution right* is as if the question of the Federal right was ruled upon the merits. The callous disregard of voting rights and rights to representation are so basic that they need not be further elaborated upon.

2. Much of Respondents' brief asserts a lack of diligence in filing the Petition for a Writ of Certiorari. Respondents assert in paragraph 6 of their answer that the Petition was filed on January 3, 1973, and was late. Respondents' answer was filed February 5, 1973, or 33 days after the Petition. While their answer was not timely filed, these technical objections should not be interposed for the purpose of detracting from the main issues of this case. The only case cited by Respondents in support of their position relates to a case where a Petition for Writ of Certiorari was denied by a Louisiana State Court in 1923, and was not similar to this case. There is no dispute that the mandate of the Illinois Supreme Court was issued October 20, 1972, and the time for filing the Petition herein expired on January 18, 1973, well after the date the Petition was filed herein. Court decisions on this issue are unclear as are the Court rules.

Nevertheless, this Court has the power and authority of interpreting these rules of Court for future guidance, and Petitioners respectfully urge that consideration of the Petition in this case be based upon meritorious factors and that the Court grant the Petition sought herein to prevent the abuse of the denial of the franchise to Military personnel and for the other relief prayed for.

Respectfully submitted,

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